S.B.CRIMINAL MISC. BAIL APPLICATION NO.4438/2007

(Gajendra Singh & Anr. vs. State of Rajasthan)

DATE OF ORDER : September 11, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.B.S.Rathore, for the petitioners.
Mr.Ashok Upadhyaya, Public Prosecutor for State.

Heard learned counsel for the petitioners as well as the Public Prosecutor for the State. Perused the order impugned.

It is contended by the learned counsel for the petitioners that nothing has been recovered from the petitioners and the persons, from whom the alleged illicit liquor has been recovered, were caught on the spot by the police.

Having regard to the facts and circumstances of the case and the fact that nothing has been recovered from the petitioners, I consider it just and proper to grant anticipatory bail to the petitioners.

Accordingly, the bail application filed by the petitioners under section 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioners Gajendra Singh s/o Mahavir Singh and Mahipal singh alias Pappu Singh s/o Mahavir Singh in CR.

No.05/2007, Excise Circle, Makranha, they shall be released on bail for a period till the police concludes the investigation and files the challan provided each of them furnishes a personal bond in the sum of Rs.10,000/- along with one surety of like amount each to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That they shall make themselves available for interrogation by a police officer as and when required;

(ii)That they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That they shall not leave India without the previous permission of the Court.

The petitioners shall surrender before the trial court on the date of filing of the challan.

(H.R.PANWAR),J.

m.asif/-